

CERTIFIED FOR PARTIAL PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

STEVEN M. GARBER & ASSOCIATES,

Plaintiff and Respondent,

v.

RAFFIE ESKANDARIAN et al.,

Defendants and Appellants.

B183966

(Los Angeles County
Super. Ct. No. SC 080491)

ORDER FOR PARTIAL PUBLICATION
AND MODIFICATION OF OPINION

NO CHANGE IN JUDGMENT

THE COURT:*

ON THE COURT'S OWN MOTION, the opinion filed on April 24, 2007, is modified as follows, including a change in certification from full publication to partial publication:

1. The full paragraph on page 12 commencing with "While this" and ending with the word "doctrine" is deleted. The following paragraph takes the place of the deleted paragraph on page 12:

We are not satisfied that the current record adequately and reliably establishes the factual predicate for this motion. Accordingly, we deny the motion. We therefore also deny Garber's request that we take judicial notice of a ruling of the Ninth Circuit Court of Appeals that dismissed an appeal by R. Eskandarian, based on the fugitive disentitlement doctrine.

2. Part 4 of our Discussion at pages 11-12 is ordered not to be published.

There is no change in the judgment.